

Remarks

Claims in the Application.

Claims 1-8 are active in this application. Claims 1-8 were rejected.

The Completeness of the Specification.

The Examiner has noted that under 35 U.S.C. § 112, first paragraph, that the Specification is unclear "since pages are missing and text is cut off." Applicant respectfully asks if the Examiner is only reviewing the Article 34 Amended Sheets of the Application. This application claims priority under 35 U.S.C. § 371 to PCT/EP99/09794 filed December 8, 1999. This PCT application properly designated the United States as a Designated State. The present application was timely filed and claimed priority under 35 U.S.C. § 371 to this PCT application. It is possible that the Examiner is not in possession of the PCT application from the International Bureau, however, the United States Patent & Trademark Office mailed a Notification of Acceptance of Application under 35 U.S.C. § 371 and 37 C.F.R. §§ 1.494 or 1.495 that included confirmation of receipt of the PCT Application along with the International Preliminary Examination Report. This Notification is attached as *Exhibit A*. Moreover, the PCT Application and the International Search Report that the United States Patent & Trademark Office indicates receiving are attached as *Exhibits B and C*. The International Preliminary Examination Report and Amended Sheets are included as *Exhibit D*. Finally, a Substitute Specification incorporating these amendments, to be reviewed in conjunction with the claims as presented in this Amendment, is included as *Exhibit E* without the introduction

of new matter. Applicant believes that this shall alleviate the confusion over the Specification. Reconsideration is respectfully requested.

Examiner's Rejection of Claim 8 under 35 U.S.C. § 112, Second Paragraph.

The Examiner has rejected Claim 8 under 35 U.S.C. § 112, Second Paragraph. Applicant believes that the amendment of the term "it" has obviated a discussions of this Rejection. Reconsideration is respectfully requested.

Examiner's Rejection of Claims 1-8 under 35 U.S.C. § 112, First Paragraph.

The Examiner has rejected Claims 1-8 under 35 U.S.C. § 112, First Paragraph. Applicant believes that the discussion above regarding the Specification clarifies the support for the claims. Reconsideration is respectfully requested.

Examiner's Objection to the Drawings.

Applicant believes that the enclosed formal drawings, attached as *Exhibit F*, alleviate the concerns of the Examiner with respect to the labeling of the drawings. Reconsideration is respectfully requested.

Examiner's Rejection of Claims 1-8 under 35 U.S.C. § 103(a).

The Examiner has rejected Claims 1-8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,097,313 ("*Takahashi*").

As the Examiner point outs, *Takahashi* fails to teach the inventive elements as claimed in the claims. Moreover, *Takahashi* actually teaches away from the present

invention as claimed. *Takahashi* actually teaches an information exchange system by using limited communication capacity of the road-vehicle radio communication with a vehicle-mounted unit and a road-side unit. *Takahashi* teaches receiving information transmitted from the road-side unit through a radio communication and *transferring* at least a part of a content of the received information to a vehicular occupant. *See, e.g.,* Abstract (emphasis added).

The only means for storing information is in the road-side unit. The road-side unit is disclosed to include a storage unit storing information to be transmitted to the vehicle-mounted unit. This storage means stores information relating to a service provider. Therefore, not only does *Takahashi* fail to teach the inclusion of a “means for storing an identification code,” as the Examiner concedes, *Takahashi* actually teaches away from this inventive element by relying on the road-side element for storage. Contrary to the Examiner’s contention, it is not obvious to include this element in the transponder means since even *Takahashi* relies on the road-side element for storage.

Takahashi could not teach the transmission of this identification code either. Because the teaching of *Takahashi* rely on the road-side element for the storage, *Takahashi* actually teaches away from the transmission *to*, instead of *from*, a remote station. The Examiner notes that this important element is missing from *Takahashi*. Applicant respectfully requests that the Examiner recognize that the teaching of *Takahashi*, either alone or in combination with another reference, will fail to teach this inventive concept as claimed because this disclosure teaches only the transmission of stored information to the transponder.

Finally, the Examiner is correct to concede that *Takahashi* fails to teach the responsiveness to incoming data signals bearing the address code. *Takahashi* only teaches the manipulation of information from the road-side unit. *Takahashi* teaches away from the inclusion of these elements in the transponder. Column 17, as noted by the Examiner, highlights that *Takahashi* does not teach any of these elements in the unit as opposed to the remote station. *Takahashi*'s reliance on the road-side unit for these elements teaches away from the inventive advantages of having these features in the unit as claimed in the present application.

Also, the Examiner notes that *Takahashi* does not teach the inventive element of housing one or more batteries for the unit as claimed in the present invention. On the subject of batteries, *Takahashi* only teaches that "[a] particular example of the vehicle-mounted sensor 1403 will be a fuel gauge, an abnormality diagnosis device detecting an abnormal vibration or exhausting of battery." Col. 27, ll. 27-29. Therefore, the only teaching of a battery in *Takahashi* is a battery that, if exhausted, would not be able to power the unit as claimed in the present application. As a result, *Takahashi* actually teaches away from the battery powered unit as claimed in Claim 3 and its dependent claims of the present invention.

Because *Takahashi* fails to teach several of the inventive elements of the present invention as claimed and it actually teaches away from the present invention as claimed, the use of *Takahashi* alone or in conjunction with another reference is improper. Reconsideration is respectfully requested.



In view of the foregoing Amendment, it is respectfully submitted that this application is in condition for examination and allowance. Applicant respectfully requests issuance of a Notice of Allowance as to all of the active claims in this application. Though Applicant does not believe any additional fee is necessary, the Commissioner is hereby authorized to charge or credit the Locke Liddell & Sapp LLP Deposit Account No. 12-1322 (Ref. No. 013129-00061) for any fee that may be required.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION, 37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office on this the 6th day of January, 2004.

Steven S. Boyd